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09/982,175	10/19/2001	Andreas Meschenmoser	P21299	7813

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EXAMINER

HASTINGS, KAREN M

ART UNIT	PAPER NUMBER
1731	✓

DATE MAILED: 06/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

7-1

Office Action Summary	Application No.	Applicant(s)
	09/982,755	Meschenmoser
	Examiner	Group Art Unit
	HASTINGS	1731

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

Responsive to communication(s) filed on 4/02.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

Claim(s) 1- 41 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1- 41 is/are rejected.

Claim(s) _____ is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on _____ is approved disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s) 3, 4

Interview Summary, PTO-413

Notice of Informal Patent Application, PTO-152

Other _____

Notice of Reference(s) Cited, PTO-892

Notice of Draftsperson's Patent Drawing Review, PTO-948

Office Action Summary

Art Unit 1731

Claims 1-41 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In many of the claims it is unclear whether the press belts are in addition to, or separate from a felt. Note for example claim 20 says "wherein felts . . .", and it is not clear how these felts are related to or distinguished from the press belts of claim 1.

Furthermore, claim 9 clearly should depend from claim 8, not 7; and, likewise, claim 27 needs to depend from claim 26, not 23 in order for there to be appropriate antecedent basis for terms used in claims 9, 27, respectively.

Claims 1 and 23 appear to be incomplete in that means for driving the press belts should be positively claimed similar to claim 37. Otherwise, the claims are incomplete and furthermore every belt in a press section can be viewed as "driven" even if it is indirectly driven by another belt or any roll, even the press roll itself driving the belts/felts that are going through the press nip.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

Art Unit 1731

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 8, 10, 18-21, 23-25 and 37 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over DE 29811048 or Schiel et al.

DE '048 in Figure 5 shows a shoe press as claimed. Note the first press with two shoe press units forming an essentially level press nip, each one has a sealing belt and a press shoe and each one has a press belt/felt which is clearly driven as noted by the schematic drive symbols within the rolls following the press nip. One of ordinary skill in the art would immediately envision that these rolls are driven since the symbol in the middle is the symbol that is conventionally used to indicate a drive roll. All dependent claims are either shown by this

Art Unit 1731

reference or would be immediately envisioned by one of ordinary skill in the art thereby.

Likewise, Schiel et al. '396 teaches a shoe press with two shoe press units, sealing belts, press shoes, and a web guide drive belt 6. Although the Figure only shows one web guide drive belt 6, the disclosure of Schiel '396 clearly teaches that more than one drive belt may be used - see column 1 lines 63-66 and column 2 lines 63-67. One of ordinary skill in the art would immediately envision that one would provide on each side of the web 5 a felt belt 6 if one used a plurality of endless belts since it is conventional and well known to sandwich a web with two press felts; and Schiel '396 discloses that the drive belt may be a water absorbing material such as a press felt (see column 2 lines 29-31). All dependent claims are suggested or would have been immediately envisioned by one of ordinary skill in the art as well known conventional features.

Claims 1-41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over DE '048 and/or Schiel et al., further as necessary further with MacDonald, Volume 3.

DE '048 and Schiel et al. are applied as above. Furthermore if even necessary, MacDonald, Volume 3 is cited for its explanation of paper making drives and specifically for its teaching on page 590, the first full sentence of column 1 which teaches that a drive on every roll in a paper making machine is

Art Unit 1731

contemplated and typical applications include, according to the chart, felt rolls. Thus, one of ordinary skill in the art would have been motivated to use a drive on every roll including the guide rolls for every felt and/or fabric that goes through a paper making press section in order to efficiently drive the paper machine.

Thus for example, claim 15 which requires an additional deflection roll be driven would have been prima facie obvious to one of ordinary skill in the art.

Furthermore as necessary for claims such as 4 and 26 and claims dependent thereon which require additional felts, it is very well known in the art to use multiple fabrics through press nips. Thus to have used for example two press felts on either side of the paper making machine press shoe structure as claimed in these claims would have been prima facie obvious for the well known advantages of multiple dewatering belts in a press nip. As applicant is aware, there are many press sections wherein a press nip may even be vertically inclined versus horizontally inclined. Thus optimizing the inclination of the press plane would have been clearly within the ordinary level of skill in the art. Furthermore, use of deflection rolls, that is alignment rolls to align a fabric in a paper making machine, is conventional and well known as are scrapers and collectors for water being thrown off from any roll in a paper making machine

Art Unit 1731

and thus dependent claims drawn to these limitations are deemed to have been within the level of ordinary skill in the art to have used these features. Further use of belts with grooves or blind bores to aid in water removal are known technical features for use in press nips.

Claims 4 and 26-36 are also rejected under 35 U.S.C. 103(a)
as being unpatentable over the references as applied to the claims above, and further in view of Dahl '790 if needed with EP 64933, and if needed with Steiner et al '894.

Dahl '790 teaches the well known conventional use of multiple fabrics passing through a press nip. Also EP 64933 teaches both a drive belt and a felt passing through a press nip. Thus the use of multiple press felts including two on each side of the press nip would have been well within the ordinary level of skill in the art at the time of the invention. Thus to have modified either of DE '048 and/or Schiel et al. to provide for two press belts/felts on each side of the paper web would have been within the ordinary level of skill in the art for the known advantages of multiple belts.

Steiner et al is applied as needed to exemplify the well known use of sandwiching a paper web with two felts, taking the web off a wire with the felt at suction roll 16, and separating the felts at suction roll 9 after the press nip, then suction roll 13 in the dryer wire takes the web off the felt onto the

Art Unit 1731

dryer section wire. Thus to use the belt driven shoe press in any known press section such as this one which has these known travel guide features would have been prima facie obvious in order to obtain the advantage of the overall press design, or shoe press design.

Claims 13-17, 22, and 40-41 are also rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to the claims above, and as necessary further in view of Laapotti '778.

Furthermore as even necessary, Laapotti '778 exemplifies that a press plane which is inclined is known in the art - see for example Figure 1 or 2 which clearly show a slightly inclined first press plane. Again, press sections with press planes that range from a horizontal alignment to vertical and anywhere in between are known. Also, note Laapotti '778 at column 4 lines 8-10 describes that a press fabric is guided by alignment, tensioning and guide rolls. Laapotti throughout its Figures also exemplifies the use of scrapers and catch containers and these are well known conventional features and to use them where appropriate would have been prima facie obvious to one of ordinary skill in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner

Art Unit 1731

Hastings whose telephone number is (703) 308-0470. The examiner can normally be reached on Monday through Thursday from 6:30 A.M. to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Steve Griffin, can be reached on (703) 308-1164. The fax phone number for this Group is (703) 305-7115.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0651.

KMH
Karen M. Hastings
Senior Primary Examiner
Art Unit 1731

KMH/cdc
June 5, 2002

6/26/02